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March 28, 2006

VIA EXPRESS MAIL

Commissioner of Patents and Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Take-Two Interactive Software, Inc. v. JMBP, Inc.
Application Serial No.: 78976391
Mark: ROCKSTAR

Dear Sir or Madam:

Enclosed please find for filing the original and a copy of the Notice of Opposition in the above-referenced matter along with the required filing fee in the amount of \$300.

Thank you.

Respectfully submitted,



Fred H. Perkins

FHP:mfv
Enclosures



03-29-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #26

#585042 v2 \17468 \001

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document (Letter to Commission of Patents and Trademarks) was deposited on March 28, 2006 with the United States Postal Service in the properly addressed, express mail postage paid envelope, mailing label number EF140656999US, addressed to the: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.



Fred H. Perkins

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark)	
Application Serial No.: 78976391)	
)	
Filing Date: June 7, 2004)	
)	
Mark: ROCKSTAR)	
)	
Publication Date: December 6, 2005)	
)	
Int'l Class: 18)	
)	
TAKE-TWO INTERACTIVE)	
SOFTWARE, INC.,)	Opposition No.:
)	
Opposer,)	
-against-)	
)	
JMBP, Inc.,)	
)	
Applicant.)	
)	

To: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

04/05/2006 K6IBBONS 00000042 78976391

NOTICE OF OPPOSITION

01 FC:6402

300.00 OP

Take-Two Interactive Software, Inc. ("Take-Two" or "Opposer"), a Delaware corporation with a business address of 622 Broadway, New York, New York 10012, believes that it will be damaged by registration of the mark "ROCKSTAR," the subject of the above-identified application serial No. 78976391, and hereby opposes registration of such mark and requests that the application to register such mark to Applicant JMBP, Inc. ("Applicant") be refused.

As grounds in support of its opposition, Take-Two asserts as follows:

1. Applicant seeks under Application Serial No. 78976391 to register "ROCKSTAR" as a trademark in International Class 18 in connection with "luggage, traveling

bags, tote bags, back packs” as evidenced by its June 7, 2004 application to register Applicant’s mark (the “Application”).

2. Among other marks, Take-Two is the owner of the marks “R and design,” “ROCKSTAR GAMES,” and “ROCKSTAR STUDIOS” which marks were registered respectively on the Principal Register under registration number 2391635 (on October 3, 2000), number 2456387 (on May 29, 2001) and number 2083042 (on July 29, 1997). “R and design” and “ROCKSTAR GAMES” are registered for use in connection with “computer games software and video games programs.” “ROCKSTAR STUDIOS” is registered for use in connection with computer software for use in on line services. (“R and design,” “ROCKSTAR GAMES,” and “ROCKSTAR STUDIOS” are referred to herein collectively as “Take-Two’s ROCKSTAR Marks.”)

3. Take-Two has also used Take-Two’s “ROCKSTAR” Marks in commerce in connection with various other goods and/or services.

4. Take-Two has superior rights vis-à-vis Applicant by virtue of its registration and usage of Take-Two’s “ROCKSTAR” Marks and/or its usage of other marks in commerce.

5. Take-Two’s “ROCKSTAR” Marks are distinctive, have gained fame and are deserving of protection as famous marks under Section 43(c) of the Lanham Act both prior to and subsequent to Applicants’ attempt to register the “ROCKSTAR” mark.

6. Applicant’s mark is confusingly similar to Take-Two’s “ROCKSTAR” Marks. Customers of Take-Two and others familiar with Take-Two’s “ROCKSTAR” Marks are likely, upon seeing Applicant’s goods and services bearing the “ROCKSTAR” mark in connection with luggage and related goods, to believe incorrectly that such goods by Applicant originate from Take-Two and/or are manufactured, sold, provided or distributed in association or affiliation with, or under license from, Take-Two.

7. If Applicant is permitted to register its mark for the goods described in its Application, Take-Two would suffer damage and injury by, *inter alia*, (i) the resulting confusion of the trade and public due to the similarity between Applicant's mark and Take-Two's "ROCKSTAR" Marks and (ii) the resultant dilution through blurring, tarnishing and/or the lessening of the capacity of Take-Two's "ROCKSTAR" Marks to identify and distinguish its goods bearing Take-Two's "ROCKSTAR" Marks.

8. The Application was published in the Official Gazette on December 6, 2005. Take-Two obtained an extension of time to oppose the Application through April 5, 2006. Thus, this opposition is timely filed with respect to Applicant's mark.

9. A duplicate copy of this pleading and the applicable statutory filing fee is enclosed herewith.

WHEREFORE, Take-Two prays that application serial number 78976391 be rejected, that no registration of the mark be issued to Applicant and this opposition be sustained in favor of Opposer Take-Two and such other and further relief as is just and proper.

Dated: March 28, 2006

Respectfully submitted,

TAKE-TWO INTERACTIVE SOFTWARE, INC.

By:  _____

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